

EXCEPTION



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BEFORE THE ARIZONA CORPORATION COMMISSION

305E

COMMISSIONERS

MARC SPITZER - Chairman
 WILLIAM A. MUNDELL
 JEFF HATCH-MILLER
 MIKE GLEASON
 KRISTIN K. MAYES

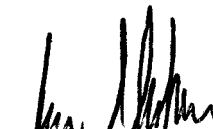
IN THE MATTER OF THE APPLICATION OF
 BENSCH RANCH UTILITIES, LLC FOR A
 CERTIFICATE OF CONVENIENCE AND
 NECESSITY TO PROVIDE SEWER SERVICE.

DOCKET NO. SW-04026A-01-0499

**STAFF'S EXCEPTION TO
 RECOMMENDED OPINION AND
 ORDER TO REPLACE THE LEGAL
 DESCRIPTION**

Staff does not take exception to any of the language in the Recommended Opinion and Order ("ROO"). But Staff noticed the legal description attached to the ROO is not correct. Attached to this pleading is the correct legal description. Staff would request that the legal description attached to this pleading replace the one attached to the ROO.

RESPECTFULLY SUBMITTED this 30th day of July 2004.


 Jason D. Gellman
 Attorney, Legal Division
 Arizona Corporation Commission
 1200 West Washington Street
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The original and thirteen (13) copies
 of the foregoing were filed this
 30th day of July 2004 with:

Docket Control
 Arizona Corporation Commission
 1200 West Washington Street
 Phoenix, Arizona 85007

Copies of the foregoing were mailed
 this 30th day of July 2004 to:

Jay L. Shapiro
 Fennemore Craig
 3003 N. Central Avenue, Suite 2600
 Phoenix, AZ 85012
 Attorneys for Arizona-American Water Company

Arizona Corporation Commission

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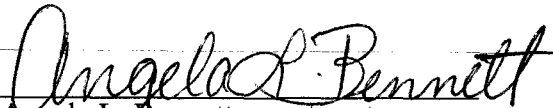
RECEIVED

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15 Angela L. Bennett secretary to
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**BOUNDARY DESCRIPTION
BENSCH RANCH UTILITIES SEWER SERVICE AREA**

The Bensch Ranch Parcel:

A parcel of land lying within a portion of Section 6, Township 11 North, Range 2 East, and a portion of Section 31, Township 12 North, Range 2 East, of the Gila and Salt River Base and Meridian, Yavapai County, Arizona, more particularly described as follows:

BEGINNING at a found G.L.O. brass cap at the Northeast corner of G.L.O. Lot 1 of said Section 6 (the Northeast quarter of the Northeast quarter of said Section 6 as recorded in Book 2810 of Official Records, Page 683 in file in the office of the Yavapai County Recorder, Yavapai County, Arizona;

Thence, South $0^{\circ}00'47''$ West, along the East line of said Section 6, a distance of 2662.89 feet to a found B.L.M. brass cap at the East quarter corner of said Section 6;

Thence, South $0^{\circ}00'16''$ East, along the East line of said Section 6, a distance of 2649.22 feet to a found B.L.M. brass cap at the Southeast corner of said Section 6;

Thence, North $89^{\circ}18'10''$ West, along the South line of said Section 6, a distance of 2644.22 feet to a found B.L.M. brass cap at the South quarter corner of said Section 6;

Thence, North $89^{\circ}15'39''$ West, along the South line of said Section 6, a distance of 1322.82 feet to the Southwest corner of the Southeast quarter of the Southwest quarter of said Section 6;

Thence, North $0^{\circ}06'50''$ West, 2642.94 feet to the Northwest corner of the Northeast quarter of the Southwest quarter of said Section 6;

Thence, North $0^{\circ}07'17''$ West, 1322.23 feet to the Northeast quarter of the Southeast quarter of the Northwest quarter of said Section 6;

Thence, North $89^{\circ}25'38''$ West, 1226.10 feet to the Southwest corner of G.L.O. Lot 4 of said Section 6;

Thence, North $0^{\circ}01'07''$ West, along the West line of said G.L.O. Lot 4, a distance of 1321.21 feet to a found B.L.M. brass cap at the Northwest corner of said Section 6, said B.L.M. brass cap also being the Southwest corner of said Section 31;

Thence, North $0^{\circ}04'35''$ East, along the West line of said Section 31, a distance of 1185.84 feet to the Northwest corner of G.L.O. Lot 5 of said Section 31;

Thence, South $89^{\circ}54'32''$ East, 2435.89 feet to the Northeast corner of G.L.O. Lot 6 of said Section 31;

Thence, South $89^{\circ}46'40''$ East, 2647.92 feet to the Northeast corner of G.L.O. Lot 8 of said Section 31;

Thence, South $0^{\circ}00'04''$ West, along the West line of said Section 31, a distance of 1206.63 feet to a found G.L.O. brass cap at the Southeast corner of said Section 31;

Thence, South $89^{\circ}35'12''$ East, 116.32 feet to the POINT OF BEGINNING.

EXCEPTING THEREFROM any portion lying within State Highway 69.

Containing 643.58 total acres total, more or less (660.43 ac. less 16.85 ac. for highway right-of-way = 643.58 ac.);

G. MICHAEL HAYWOOD
REGISTERED LAND SURVEYOR



115 East Goodwin Street - Suite E ♦ P. O. Box 1001 ♦ Prescott, Arizona 86302
Phone 928-778-5101 ♦ Fax 928-778-9321 ♦ email mhaywoodassociat@qwest.net

PROPERTY DESCRIPTION
Spring Valley Unit 2

Parcel I

All of Tract "L", Spring Valley Unit II, as recorded in Book 16 of Maps and Plats, Pages 72 through and including 74, on file in the office of the Yavapai County Recorder; located in a portion of Section 9, Township 11 North, Range 2 East, Gila and Salt River Base and Meridian, Yavapai County, Arizona, more particularly described as follows:

Commencing at the West One-Quarter corner of said Section 9;

Thence, North 01°09'35" West, 856.45 feet to a point on the West line of said Section 9 and the **POINT OF BEGINNING**;

Thence,. continuing North 01°09'35" West, 218.38 feet to a point on the West line of said Section 9;

Thence, North 40°36'57" East, 101.96 feet;

Thence, North 15°13'09" East, 122.20 feet;

Thence, South 52°33'48" East, 24.07 feet;

Thence, South 10°52'18" West, 122.98 feet;

Thence, South 17°54'58" West, 292.41 feet to the **POINT OF BEGINNING**;

Containing 0.353 acres, more or less.

Parcel II

All of Tract "K", Tract "N", Tract "O", Lots 831 through and including 851, Lots 860 through and including 867, Spring Valley Unit II, as recorded in Book 16 of Maps and Plats, Pages 72 through and including 74, on file in the office of the Yavapai County Recorder; located in a portion of Section 9, Township 11 North, Range 2 East, Gila and Salt River Base and Meridian, Yavapai County, Arizona, more particularly described as follows:

Commencing at the West One-Quarter corner of said Section 9;

Thence, North $27^{\circ}17'37''$ East (the basis of bearings is North $01^{\circ}09'35''$ West along the West line of said Section 9), a distance of 433.55 feet to a point on the West line of said Lot 843 and the **POINT OF BEGINNING**;

Thence, North $28^{\circ}20'34''$ East, 156.46 feet to the beginning of a tangent curve, concave southeasterly with a radius of 150.00 feet;

Thence, northeasterly along said curve through a central angle of $29^{\circ}58'39''$, a length of 78.48 feet;

Thence, North $58^{\circ}19'13''$ East, 257.30 feet to the beginning of a tangent curve, concave northwesterly with a radius of 300.00 feet;

Thence, northerly along said curve through a central angle of $23^{\circ}09'34''$, a length of 121.26 feet;

Thence, North $35^{\circ}09'34''$ East, 114.31 feet to the beginning of a tangent curve, concave southeasterly with a radius of 25.00 feet;

Thence, northerly and easterly along said curve through a central angle of $90^{\circ}00'00''$, a length of 39.27 feet;

Thence, South $54^{\circ}50'21''$ East, 281.78 feet;

Thence, South $61^{\circ}39'26''$ East, 282.20 feet;

Thence, South $28^{\circ}20'34''$ West, 155.46 feet;

Thence, South $16^{\circ}39'26''$ East, 14.14 feet;

Thence, South $61^{\circ}39'26''$ East, 140.00 feet;

Thence, South $28^{\circ}20'34''$ West, 300.00 feet;

Thence, North $61^{\circ}39'26''$ West, 360.00 feet;

Thence, South $28^{\circ}20'34''$ West, 100.00 feet;

Thence, South $61^{\circ}39'26''$ East, 360.00 feet;

Spring Valley
Page 3 of 3

Thence, South 28°20'34" West, 105.00 feet to the beginning of a tangent curve, concave northerly with a radius of 25.00 feet;

Thence, southerly and westerly along said curve through a central angle of 90°00'00", a length of 39.27 feet;

Thence, North 61°39'26" West, 890.00 feet to the beginning of a tangent curve, concave easterly with a radius of 25.00 feet;

Thence, westerly and northerly along said curve through a central angle of 90°00'00", a length of 39.27 feet to the **POINT OF BEGINNING**;

Containing 12.388 acres, more or less.



MH1395
10-29-03